

Message Text

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44

ACTION EB-11

INFO OCT-01 EUR-25 ISO-00 CAB-09 CIAE-00 COME-00 DODE-00

DOT-00 INR-10 NSAE-00 RSC-01 FAA-00 SS-20 NSC-07 L-03

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P 271655Z MAR 74

FM AMEMBASSY MADRID

TO SECSTATE WASHDC PRIORITY 8503

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E.O. 11652: N/A

TAGS: ETRN, SP US

SUBJ: CIVAIR: SCHEDULES; NEW REQUEST FOR CONSULTATIONS
ON SECTION 7 OF MEMORANDUM OF CONSULTATIONS

REF: MADRID 1867

1. THE EMBASSY IS IN RECEIPT OF MINISTRY OF FOREIGN
AFFAIRS' NOTE 140, MARCH 25, INFORMAL TRANSLATION OF
WHICH FOLLOWS:

BEGIN QUOTE:

THE MINISTRY OF FOREIGN AFFAIRS PRESENTS ITS
COMPLIMENTS TO THE EMBASSY OF THE UNITED STATES
IN MADRID AND HAS THE HONOR OF REFERRING TO ITS
NOTE VERBALE NO 212, OF THE 20TH INSTANT.

IN RELATION TO THE CHANGE OF "CALIBER" WHICH
TRANS WORLD AIRLINES PLANS TO CARRY OUT IN MADRID
TO EXTEND TO MALAGA TWO OF ITS WEEKLY FLIGHTS, THE
SPANISH GOVERNMENT MAINTAINS THE CRITERIA PRESENTED
IN NOTE VERBALE NO 114, OF MARCH 18, 1974, AS HAVING
PRECISELY INCLUDED UNDER QUOTATIONS THE TERM "MAS
ALLA" (BEYOND) IN SECTION 7 OF THE MEMORANDUM OF
CONSULTATIONS OF NOVEMBER 27, 1973, HAD AS ITS
OBJECTIVE GIVING TO SUCH AN EXPRESSION THE SPECIFIC
MEANING OF THE POSSIBILITY OF CHANGING THE "CALIBER"

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OF AIRCRAFT ONLY TOWARDS POINTS BEYOND SPANISH

TERRITORY.

IT IS EVIDENT THAT THERE IS A DISPARITY OF CRITERIA BETWEEN BOTH GOVERNMENTS REGARDING THIS PARTICULAR POINT, FOR WHICH WE CONSIDER THAT THERE IS A BASIS TO MAINTAIN CONSULTATIONS, AS PROVIDED FOR IN ARTICLE 12 OF THE CONVENTION, TO TRY TO REACH AN AGREEMENT REGARDING THE CORRECT INTERPRETATION THAT SHOULD BE GIVEN TO THE AFOREMENTIONED SECTION 7 OF THE MEMORANDUM OF CONSULTATIONS.

NEVERTHELESS, AND TAKING INTO CONSIDERATION THE PROXIMITY OF THE DATE-APRIL 5- IN WHICH THE CHANGE OF CALIBER WAS PROGRAMMED IN THE EXTENSION OF TWA'S SERVICES FROM MADRID TO MALAGA, AND IN THE DESIRE OF NOT CAUSING ANY HARM TO THAT COMPANY, THE SPANISH ADMINISTRATION IS WILLING TO AUTHORIZE, WITH A PROVISIONAL CHARACTER, THE CARRYING OUT OF SUCH SERVICES IN THE MANNER FORSEEN, UNTIL SUCH TIME AS THE CORRESPONDING CONSULTATIONS TAKE PLACE.

REGARDING PAN AMERICAN WORLD AIRWAYS' PROGRAM FOR THE FORTHCOMING SUMMER SEASON, WE HAVE CAREFULLY STUDIED THE EFFECT OF THE INCREASED CAPACITY RESULTING FROM THE PROGRAMED INCREASE OF FREQUENCIES IN THE MIAMI-SAN JUAN-MADRID ROUTE, AND IT APPEARS TO BE THE RESULT THAT THE CHARACTERISTICS OF THIS MARKET CAN JUSTIFY SUCH AN INCREASE IN CAPACITY. IN CONSEQUENCE, ALL THE SERVICES PROGRAMED BY THIS COMPANY UNTIL OCTOBER 31, 1974 WILL BE APPROVED.

IN VIEW OF THE FOREGOING, IT HAS NOT BEEN CONSIDERED NECESSARY TO HOLD ANY CONVERSATIONS TO DEAL ON THE INCREASE IN CAPACITY INTRODUCED BY PANAMERICAN. REGARDING THE INTERPRETATION OF THE PROVISIONS OF SECTION 7 OF THE MEMORANDUM ATTACHED TO THE CONVENTION, THE SPANISH GOVERNMENT REQUESTS THE HOLDING OF CONSULTATIONS, ON A DATE TO BE AGREED UPON, WITHIN THE PERIOD OF 60 DAYS ESTABLISHED IN THE ABOVE MENTIONED ARTICLE 12. END QUOTE.

2. NOTE THAT CONTRARY TO INFORMATION REPORTED REFTEL, CHANGE OF GAUGE BY TWA BETWEEN MADRID AND MALAGA IS APPROVED LIMITED OFFICIAL USE

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UNTIL SUCH TIME AS CORRESPONDING CONSULTATIONS TAKE PLACE WHICH MUST BE WITHIN 60 DAYS ACCORDING TO ARTICLE 12 OF THE CONVENTION.

3. ADVISE SOONEST WHAT POSSIBILITIES ARE FOR CONSULTATIONS WITH SPAIN WITHIN 60-DAY PERIOD.

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Message Attributes

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Draft Date: 27 MAR 1974
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Disposition Authority: morefirh
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Disposition Date: 28 MAY 2004
Disposition Event:
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